

ORDINANCE NO. 746

AN ORDINANCE RELATING TO TITLE 4, ANIMALS, AMENDING PART 4, SECTION 4-414, NUISANCE, POTENTIALLY DANGEROUS AND DANGEROUS DOGS, TO THE CODE OF ORDINANCES OF THE CITY OF COWETA, OKLAHOMA, AND DECLARING AN EMERGENCY

WHEREAS, the current ordinances of the City of Coweta contain a nuisance provision for dogs that may constitute a nuisance; and,

WHEREAS, state statutes provide more specific guidelines for the City in regulating dangerous and potentially dangerous dogs; and,

WHEREAS, amendment of the ordinances of the City to provide greater flexibility for the municipal court to enforce the nuisance ordinances of the City is in the best interests of the residents of the City of Coweta.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA, THAT:

Section One: Part 4, Animals, Section 4-414, Nuisance, Potentially Dangerous and Dangerous Dogs, is hereby modified and from this date forward shall provide as follows:

Section 4-414 Nuisance, Potentially Dangerous and Dangerous Dogs.

It shall be unlawful for any person to own, keep or harbor within the city any dog, licensed or unlicensed, which shall constitute a "nuisance" or "potentially dangerous" or "dangerous" dog.

A "nuisance dog" means any dog that:

- a. engages in any behavior that requires a defensive action by any person to prevent bodily injury; or
- b. when unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack; or
- c. is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or
- d. is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.

- e. Engages in loud, frequent or habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the city limits.

A "potentially dangerous dog" means any dog that:

- a. when unprovoked inflicts bites on a human either on public or private property, or
- b. when unprovoked kills or severely injures a domestic animal either on public or private property;

A "dangerous dog" means any dog that:

- a. has inflicted severe injury on a human being without provocation on public or private property,
- b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or
- c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter kills or severely injures a domestic animal;


A police officer or animal control officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "nuisance," "potentially dangerous" or a "dangerous" dog by filing a complaint with municipal court clerk. Upon the issuance of summons and notice to the owner, and upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a "nuisance," "dangerous" or "potentially dangerous," may order any or all of the following:

- a. The payment of court costs and fines in the maximum amount allowed by law;
- b. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented;
- c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dog;
- d. The removal of the dog from the city limits;
- e. The confiscation and/or destruction of the dog.

Section Two: Any alleged violation of this ordinance is subject to the general penalty provisions of the ordinances of the City of Coweta, as well as the specific penalty provisions set forth herein. Each separate day of violation shall constitute a separate offense.

Section Three: The City Council, by separate vote, finds that this ordinance shall be immediately effective in order to protect the public safety, health and welfare and declares an emergency for that purpose.

PASSED AND APPROVED, with the emergency clause voted upon separately, at a special meeting of the City Council of Coweta, Oklahoma, held the 1st day of July, 2014.



Robert Morton, Mayor

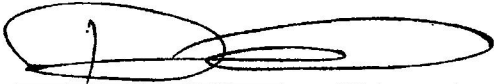
ATTEST:



Joyce Terry, City Clerk



APPROVED AS TO FORM:



David L. Weatherford, City Attorney